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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

S2 05 Cr. 621 (KMK)

- against -

ECF CASE

ALBERTO VILAR and GARY  
TANAKA

Defendants

**DECLARATION OF ALBERTO VILAR IN SUPPORT OF  
MOTION TO SUPPRESS**

I, Alberto Vilar, declare as follows:

1. I am a defendant in the above-captioned action. I submit this declaration in order to join in my co-defendant's motion to suppress evidence seized from a storage facility located at 239 Acton Lane, London, United Kingdom. Because I am submitting this declaration for the limited purpose of supporting this motion to suppress, I have not included every fact I know relating to the subject matter of this action.
2. I am a citizen of the United States. For the majority of the period from 1982 through 1990, I lived in London, England where I maintained a permanent residence. I have lived in New York since 1990.

3. On October 13, 2005 and October 14, 2005, I was a founder, principal and shareholder of Amerindo U.K., which leased offices at 43 Upper Grosvenor Street in London. As a director of Amerindo Investment Advisors Inc, I was a signatory to the lease, signed September 20, 1993, as between the landlord, Grosvenor (Mayfair) Estate, Amerindo Advisors (UK) Limited and Amerindo Investment Advisors Inc.
4. Prior to October 13, 2005, when I was in London, I conducted business in this office and I stored various business and personal records in a large credenza located in a conference room which I would use as my office on my visits to the London office. The conference room was inaccessible to the general public, as it was beyond an entrance foyer and a staffed reception area. I also had a private bathroom built, and stored some personal belongings and clothing in that room. In addition, two paintings from my private collection were displayed in the office.
5. I understand that, before Amerindo U.K. vacated the Grosvenor Offices, all of the property located on the premises, including all documents and records, were transferred to a private, secure storage facility at Cadogan Tate, 239 Acton Lane, London.
6. As a founder and principal of Amerindo U.K. and one who worked on the premises when in London, I expected that the property of Amerindo U.K.'s London office would remain private and free from unlawful, official intrusion, both while the property was on the office premises and after it was transferred to a secure storage facility.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed the thirteenth day of March, at New York, New York.



Alberto Vilar